IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 31007 of 2007(N)

PETITIONER:

JAIMON JAMES, AGED 40 YEARS,
S/O.JAMES, VALLITHOTTATHIL HOUSE,
KOODALLOOR, KIDANGOOR, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:
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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

2. PALA URBAN CO-OPERATIVE BANK
LTD. NO.1850, PALA REPRESENTED BY ITS
SECRETARY.

3. REGIMON JAMES, S/O.JAMES,
VALLITHOTTATHIL HOUSE, KOODALLOOR,
KIDANGOOR, KOTTAYAM.

BY ADV. SRI.P.C.HARIDAS
GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.31007 OF 2007

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Dated this the 6th day of November , 2007

JUDGMENT

Petitioner availed a loan. It is not repaid. Petitioner approached this court earlier and the matter culminated in Ext.P5 judgment. By Ext.P5 judgment this court had ordered that if the petitioner moves a representation before the fourth respondent, the fourth respondent will consider the matter and will intimate the amount to be paid by the petitioner for re-conveying the property by the bank to the petitioner. Ext.P6 is the decision communicated to the petitioner by which petitioner was called upon to pay a sum of Rs. 575918.25 as on 12/07/2007.

2. Petitioner approached this court seeking to declare that the petitioner is entitled to the benefit under one time settlement scheme and to set aside Ext.P4. There is a further prayer for a direction to the second respondent to give the details of the calculation in arriving at the amount stated in Ext.P6 and to allow the petitioner to remit the amount within two months from the date of issuance of the details.

3. I heard learned counsel for the second respondent also. I am not impressed by the contention of the petitioner that petitioner should have been given statement of accounts. This is not contemplated in Ext.P5 judgment. In fact it is pointed out by the counsel for the second respondent that even in the previous round of litigation, statement of accounts was made available. However, learned counsel for the second respondent submits that if the petitioner pays an amount of Rs. 575918 with 15% interest from 12/07/2007, second respondent is prepared to re-convey the property within a time limit.

Having regard to all facts, the writ petition is disposed of directing that if the petitioner remits a sum of Rs. 5,75,918/- (Rupees five lakhs seventy five thousand nine hundred and eighteen) as shown in Ext.P6 with 15% interest from 12/07/2007 till the date of payment on the auction amount within three weeks from today and also bears the expenses for re-conveyance, the second respondent will re-convey the property to the petitioner. In case the petitioner does not pay the amount within a period of three weeks from today, petitioner will lose the benefit of this judgment. It is also ordered that in case the petitioner is not able to pay the amount within three weeks from today, an amount of

Rs. 50,000/- (Rupees fifty thousand) paid by the petitioner pursuant to the interim order will be returned to the petitioner within six weeks from today.

(K.M.JOSEPH, JUDGE)

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